

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GARY L. BLANKENSHIP,)	8:08CV442
)	
Petitioner,)	
)	
v.)	MEMORANDUM
)	AND ORDER
COCKRELL, Caseworker - Pod 4,)	
and BAKEWELL, Warden,)	
)	
Respondents.)	

This matter is before the court on its own motion. The above-captioned matter has been provisionally filed on September 29, 2008. (Filing No. [1](#).) However, due to certain technical defects, the Petition for Writ of Mandamus cannot be further processed until such defects are corrected. To assure further consideration of the Petition, Petitioner must correct the defect listed below. **FAILURE TO CORRECT THE DEFECT MAY RESULT IN DISMISSAL OF THE PETITION.**

Petitioner has failed to include the \$350.00 filing fee. Petitioner has the choice of either tendering the \$350.00 fee to the Clerk of the court or submitting a request to proceed in forma pauperis and an affidavit of poverty in support thereof. If Petitioner chooses to do the latter, the enclosed pauper's forms should be completed and returned to this court. Petitioner is cautioned that, if he is permitted to proceed in forma pauperis, he will still be required to pay the entire \$350.00 filing fee. However, he will be allowed to pay the filing fee in installments in accordance with [28 U.S.C. § 1915](#).

IT IS THEREFORE ORDERED that:

1. Petitioner is directed to correct the above-listed technical defect in the Petition on or before November 19, 2008.

2. Failure to comply with this Memorandum and Order will result in dismissal of this matter without further notice.

3. The Clerk of the court send to Petitioner the Form AO240, Application to Proceed Without Prepayment of Fees and Affidavit.

October 21, 2008.

BY THE COURT:

s/Richard G. Kopf
United States District Judge